

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

WAYNE S. SMITH,)	CIV. 11-4001-KES
)	
Plaintiff,)	
)	
vs.)	ORDER DENYING MOTION
)	FOR TEMPORARY
CHRIS NELSON in his official)	RESTRAINING ORDER AND
capacity as Secretary of State of)	SCHEDULING HEARING
South Dakota, MIKE MILSTEAD)	
in his official capacity as)	
Minnehaha County Sheriff,)	
)	
Defendants.)	

The court has received a complaint and motion for temporary restraining order or preliminary injunction. Plaintiff initially requests this court to issue a temporary restraining order. Plaintiff seeks both temporary and permanent injunctive relief. D.S.D. LR 65.1 provides, "In all cases wherein a party seeks both a preliminary and permanent injunction, the matters shall be deemed consolidated for trial unless otherwise specifically ordered by the court." Accordingly, it is

ORDERED that plaintiff's request for a temporary and permanent injunction is consolidated for trial. Plaintiff's motion for a temporary restraining order is denied.

IT IS FURTHER ORDERED that an evidentiary hearing is scheduled for **Thursday, January 27, 2011, at 9:00 a.m.**

Dated January 3, 2011.

BY THE COURT:

/s/ Karen E. Schreier
KAREN E. SCHREIER
CHIEF JUDGE